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6 Attorneys for Defendant NEST LABS, INC.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 THOMAS HAGEDORN, on behalf of  
11 himself and all others similarly situated,

12 Plaintiff,

13 v.

14 NEST LABS, INC.,

15 Defendant.  
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Case No. 3:14-cv-00755-VC

**DECLARATION OF SCOTT HONG IN  
SUPPORT OF RESPONSE TO ORDER  
RE: STRIKING NATIONWIDE CLASS  
ALLEGATIONS**

Judge: Hon. Vince Chhabria

Complaint Filed: February 19, 2014

1 I, Scott Hong, state and declare as follows:

2 1. I am the Quantitative Marketing Manager of Nest Labs, Inc., the Defendant in the  
3 above-captioned action. Except where expressly stated, I have knowledge of the facts set forth  
4 herein, and if called to testify as a witness thereto, could do so competently under oath.  
5

6 2. I have been the Quantitative Marketing Manager at Nest since November 12,  
7 2012. My job responsibilities include providing data-driven business insights.

8 3. Approximately 90% of Nest Learning Thermostats sold to consumers are activated  
9 by the consumer such that Nest can access records of the location in which the device is installed.  
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11 4. Nest user records indicate that the Nest Learning Thermostat was activated in  
12 households in all 50 states in the United States.

13 5. Nest user records indicate that of all the Nest Learning Thermostats activated in  
14 the United States, fewer than 1/3 were activated in California.  
15

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct and that this declaration was executed in San Francisco, California,  
18 on July 10, 2014.  
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20 By: SAH  
21 SCOTT HONG  
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